

19802. Adulteration of canned blackberries. U. S. v. 402 Cases, et al., of Canned Blackberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27749, 27763. I. S. Nos. 22449, 31668, 42894. S. Nos. 5682, 5687.)

These actions involved the interstate shipment of quantities of canned blackberries, samples of which were found to contain excessive mold.

On February 16, 1932, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 402 cases of canned blackberries at El Paso, Tex., and on February 19, 1932, the United States attorney for the Middle District of Pennsylvania filed a libel against 39 cases of the product at Harrisburg, Pa. It was alleged in the libels that the article had been shipped in interstate commerce by the Washington Berry Growers Packing Corporation, from Sumner, Wash., the former to El Paso, Tex., on or about October 1, 1931, and the latter to Harrisburg, Pa., on or about November 17, 1931, that it remained in the original unbroken packages, and that it was adulterated in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Inavale Brand Cultivated Blackberries * * * Packed by Washington Berry Growers Packing Corporation, Sumner, Washington." The remainder was labeled in part: "Select Pie Blackberries, * * * John H. Lock Co. Inc., Distributors, New York."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 7, and May 19, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered in each case and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19803. Misbranding of Kofig. U. S. v. 24 Packages of Kofig. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27961. I. S. No. 32620. S. No. 5983.)

This action involved the interstate shipment of a coffee substitute which was represented to be essentially a fig product and which, upon examination, was found to consist largely of cereal grains with but a small proportion of fruit (including figs) present. The labeling of the article also bore unwarranted curative and therapeutic claims.

On March 31, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 packages of Kofig, remaining in the original unbroken packages at Denver, Colo., consigned by Natural Foods & Products Co., Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 7, 1931, from Los Angeles, Calif., to Denver, Colo., and that it was misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "The Genuine Original California Kofig * * * J. R. Neff Mfr. & Sole Owner, Claremont, Calif."

It was alleged in the libel that the article was misbranded in that the statements appearing on the label, "Kofig is rich in the vital laxative properties of sun-dried figs" and "The * * * fig beverage," were false and misleading when applied to an article containing essentially broken cereal grains, a small portion of fruit (including figs), and a trace of salt. Misbranding was alleged for the further reason that the statement on the carton regarding the curative or therapeutic effects of the article, "Stomach trouble, high blood pressure, poor sleep, etc.," was false and fraudulent.

On May 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19804. Adulteration of dressed rabbits. U. S. v. 171 Barrels of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27798. I. S. No. 38655. S. No. 5900.)

This action involved the interstate shipment of a quantity of dressed rabbits which were found upon examination to be partially decomposed.

On March 2, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying

seizure and condemnation of 171 barrels of rabbits at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 4, 1932, by the Henderson Produce Co., Monroe City, Mo., to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On May 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19805. Adulteration of bluefins. U. S. v. 3 Boxes of Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27981. I. S. No. 47835. S. No. 6025.)

This action involved the interstate shipment of a quantity of bluefins, samples of which were found upon examination to be infested with parasitic worms.

On April 2, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three boxes of fish (bluefins) at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about March 28, 1932, by the North Shore Fish & Freight Co., from Duluth, Minn., to Detroit, Mich., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On May 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19806. Adulteration of apples. U. S. v. 756 Boxes of Apples. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 27976. I. S. No. 22490. S. No. 5976.)

This action involved the interstate shipment of a quantity of apples which, upon examination, were found to bear an excessive amount of arsenical spray residue.

On March 14, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 756 boxes of apples that had been delivered to the Port Dock, Tacoma, Wash., by the C. C. Smith Fruit Co., of Seattle, Wash., on or about March 10, 1932, for shipment to a foreign country. It was alleged in the libel that the article had been shipped from Seattle, Wash., consigned to Hamburg, Germany, on or about March 10, 1932, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: "Persian Brand Northwest Apples. C. C. Smith Fruit Co."

Adulteration of the article was alleged in the libel for the reason that it contained an excessive amount of arsenic trioxide, which might have rendered it injurious to health.

A claim which had been entered for the product having been withdrawn a relief organization of Tacoma, Wash., petitioned the court for permission to take the product down under bond for reconditioning. On May 7, 1932, H. L. Gloyd, Tacoma, Wash., a representative of said organization, appeared, admitted the allegations of the libel, and consented to the entry of a decree. Judgment of condemnation and forfeiture was entered, and the court having found that the apples might be reconditioned by removing the spray residue, ordered that they be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that they should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*